

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference ck 2497/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP98/02667	International filing date (day/month/year) 06 May 1998 (06.05.1998)	Priority date (day/month/year) 16 June 1997 (16.06.1997)
International Patent Classification (IPC) or national classification and IPC H02G 1/08		
Applicant KATIMEX CIELKER GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 12 December 1998 (12.12.1998)	Date of completion of this report 17 August 1999 (17.08.1999)
Name and mailing address of the IPEA/EP European Patent Office D-80298 Munich, Germany Facsimile No. 49-89-2399-4465	Authorized officer Telephone No. 49-89-2399-0

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP98/02667

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-13, as originally filed,
 pages _____, filed with the demand,
 pages _____, filed with the letter of _____,
 pages _____, filed with the letter of _____.
- ☒ the claims, Nos. _____, as originally filed,
 Nos. _____, as amended under Article 19,
 Nos. _____, filed with the demand,
 Nos. 1-24, filed with the letter of 03 May 1999 (03.05.1999),
 Nos. _____, filed with the letter of _____.
- ☒ the drawings, sheets/fig 1/4 - 4/4, as originally filed,
 sheets/fig _____, filed with the demand,
 sheets/fig _____, filed with the letter of _____,
 sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

2. Citations and explanations

1. The subject matter of Claim 1 which relates to pincers for displacing flexible strand material differs from the closest prior art CH-A-580 344 (D1) (cf. column 1, line 45 to column 2, line 33, Figures 1 and 2) in that the conveying device is in the form of a transmission belt which extends around the pincer body in the longitudinal direction thereof. The subject matter of Claim 1 is therefore novel over the prior art defined in the Regulations (PCT Rule 64.1-64.3) and the criterion stipulated in PCT Article 33(2) is satisfied.

2. The distinguishing feature mentioned offers a solution to the problem of simplifying manipulation of the pincers, wherein the forces to be used to move the flexible strand material are reduced and the strand material is displaced without moving the pincers.

The prior art does not suggest this solution. NL-A-92 00 038 (D2) discloses (cf. page 2, lines 23-29; page 6, lines 5-7; Claim 3; Figure 2) a device provided with a handle for displacing flexible material which has two transmission belts arranged

fixedly with respect to each other. Adapting this device to different strand material levels of thickness as defined in the invention is not indicated. The invention does not only concern a transmission belt as a conveying device but also a strand material drive which involves a transmission belt interacting with a pincer handle; the contact pressure on the strand material can be easily adjusted depending on the material and/or its thickness. The compact structure of the retracting device in CH-A-580 344 (D1) with engaging gear wheels with entrainment rollers is not suitable to cause a person skilled in the art to replace an entrainment roller with a transmission belts and thus to adjust the contact pressure to the strand material as claimed.

The subject matter of Claim 1 therefore can be considered to involve an inventive step and the criterion stipulated in PCT Article 33(3) is satisfied.

Claims 2-24 are dependent on Claim 1. Consequently, their subject matter can also be considered inventive (PCT Article 33(3)).

3. The invention relates to pincers for displacing flexible strand material and therefore can be considered industrially applicable (PCT Article 33(4)).

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The description should have outlined D1-D4 and given a brief outline of the relevant prior art contained therein. The requirements of PCT Rule 5.1(a)(ii) are therefore not satisfied.
2. The description is not in line with the claims (PCT Rule 5.1(a)(iii)). Since the transmission belt represents an essential feature, the expressions "for example a drive wheel" on page 2, line 9 and "preferably" in line 26 should be deleted.